

conceive a child. They had almost given up when unexpectedly they conceived twins, a double blessing. If someone had assaulted or otherwise committed a crime of violence against her that killed these children, one cannot tell me that punishment should only occur for the crime against the woman when the unborn children were the innocent victims of the violence. If these two lovely children that the couple had longed for had tragically died in the commission of a crime of violence, the criminal must be held accountable.

This legislation takes the important step of recognizing that violence against an unborn child against the will of the mother, taking away the mother's right to choose, can be prosecuted in a court of law. This is not a new concept. In fact, over half of the States in this Nation have State laws which protect unborn victims of violence in some form. I have with me today a list of these State homicide laws that recognize unborn victims, which will be inserted into the RECORD.

This legislation would not supersede those State laws, nor would it impose a new law for crimes which are under State jurisdiction. Rather, this bill recognizes an unborn child as a victim in the eyes of Federal criminal law.

Currently, if a criminal injures or kills an unborn child during the course of a violent Federal crime, he has not committed an additional offense, other than the violent crime. But that is not fair. If an unborn child dies because of a violent act perpetrated against his or her mother, then the criminal must be held accountable.

We have heard about an amendment to this legislation which would take away the recognition that a violent crime has occurred against an unborn child. I would urge my colleagues on both sides of the aisle to vote against this weakening amendment.

The title of this bill describes exactly what this bill is about: unborn victims of violence. This bill works to correct an unjust situation in which the life of an unborn child is lost, and there are no legal repercussions. I challenge my colleagues again on both sides of the aisle and on both sides of the abortion issue to hold criminals accountable for their violent crimes.

Mr. Speaker, I urge all of my colleagues to stand with me today and vote in favor of H.R. 503, the Unborn Victims of Violence Act.

#### STATE HOMICIDE LAWS THAT RECOGNIZE UNBORN VICTIMS

FULL-COVERAGE UNBORN VICTIM STATES (11)  
(STATES WITH HOMICIDE LAWS THAT RECOGNIZE UNBORN CHILDREN AS VICTIMS THROUGHOUT THE PERIOD OF PRE-NATAL DEVELOPMENT)

Arizona—The killing of an "unborn child" at any stage of pre-natal development is manslaughter. *Ariz. Rev. Stat. §13-1103(A)(5)* (West 1989 & Supp. 1998).

Illinois—The killing of an "unborn child" at any stage of pre-natal development is intentional homicide, voluntary manslaughter, or involuntary manslaughter or reckless

homicide. *Ill. Comp. Stat. ch. 720, §§5/9-1.2, 5/9-2.1, 5/9-3.2* (1993).

Louisiana—The killing of an "unborn child" is first degree feticide, second degree feticide, or third degree feticide. *La. Rev. Stat. Ann. §§14:32.5-14:32.8*, read with §§14:2(1), (7), (11) (West 1997).

Minnesota—The killing of an "unborn child" at any stage of pre-natal development is murder (first, second, or third degree) or manslaughter (first or second degree). It is also a felony to cause the death of an "unborn child" during the commission of a felony. *Minn. Stat. Ann. §§609.266, 609.2661-609.2665, 609.268(1)* (West 1987). The death of an "unborn child" through operation of a motor vehicle is criminal vehicular operation. *Minn. Stat. Ann. §609.21* (West 1999).

Missouri—The killing of an "unborn child" at any stage of pre-natal development is involuntary manslaughter or first degree murder. *Mo. Ann. Stat. §§1.205, 565.024, 565.020* (Vernon Supp. 1999), *State v. Knapp*, 843 S.W. 2d 345 (Mo. 1992), *State v. Holcomb*, 956 S.W. 2d 286 (Mo. App. W.D. 1997).

North Dakota—The killing of an "unborn child" at any stage of pre-natal development is murder, felony murder, manslaughter, or negligent homicide. *N.D. Cent. Code §§12.1-17.1-01 to 12.1-17.1-04* (1997).

Ohio—At any stage of pre-natal development, if an "unborn member of the species homo sapiens, who is or was carried in the womb of another" is killed, it is aggravated murder, murder, voluntary manslaughter, involuntary manslaughter, negligent homicide, aggravated vehicular homicide, and vehicular homicide. *Ohio Rev. Code Ann. §§2903.01 to 2903.07, 2903.09* (Anderson 1996 & Supp. 1998).

Pennsylvania—The killing of an "unborn child" at any stage of pre-natal development is first, second, or third-degree murder, or voluntary manslaughter. *18 Pa. Cons. Stat. Ann. §§2601 to 2609* (1998).

South Dakota—The killing of an "unborn child" at any stage of pre-natal development is fetal homicide, manslaughter, or vehicular homicide. *S.D. Codified Laws Ann. §22-16-1, 22-16-1.1, 22-16-15(5), 22-16-20, and 22-16-41*, read with §§22-1-2(31), 22-1-2(50A)(Supp. 1997).

Utah—The killing of an "unborn child" at any stage of pre-natal development is treated as any other homicide. *Utah Code Ann. §76-5-201 et seq.* (Supp. 1998).

Wisconsin—The killing of an "unborn child" at any stage of pre-natal development is first-degree intentional homicide, first-degree reckless homicide, second-degree intentional homicide, second-degree reckless homicide, homicide by negligent handling of dangerous weapon, explosives or fire, homicide by intoxicated use of vehicle or firearm, or homicide by negligent operation of vehicle. *Wis. Stat. Ann. §§939.75, 939.24, 939.25, 940.01, 940.02, 940.05, 940.06, 940.08, 940.09, 940.10* (West 1998).

PARTIAL-COVERAGE UNBORN VICTIM STATES (13)  
(STATES WITH HOMICIDE LAWS THAT RECOGNIZE UNBORN CHILDREN AS VICTIMS, BUT ONLY DURING PART OF THE PERIOD OF PRE-NATAL DEVELOPMENT)

Note: These laws are gravely deficient because they do not recognize unborn children as victims during certain periods of their pre-natal development. Nevertheless, they are described here for informational purposes.

Arkansas—The killing of an "unborn child" of twelve weeks or greater gestation is murder, manslaughter, or negligent homicide. Enacted April 9, 1999, 1999 AR H.B. 1329. (A separate Arkansas law makes it a battery to cause injury to a woman during a felony or Class A misdemeanor to cause her to undergo a miscarriage or stillbirth, or to cause injury under conditions manifesting extreme

indifference to human life and that results in a miscarriage or stillbirth.)

California—The killing of an unborn child after the embryonic stage is murder. *Cal. Pen. Code §187(a)* (West 1999).

Florida—The killing of an "unborn quick child" is manslaughter. *Fla. Stat. Ann. §782.09* (West 1992).

The killing of an unborn child after viability is vehicular homicide. *Fla. Stat. Ann. §782.071* (West 1999).

Georgia—The killing of an "unborn child" after quickening is feticide, vehicular feticide, or feticide by vessel. *Ga. Code Ann. §16-5-80* (1996); §40-6-393.1 (1997); and §52-7-12.3 (1997).

Massachusetts—The killing of an unborn child after viability is vehicular homicide. *Commonwealth v. Cass*, 467 N.E.2d 1324 (Mass. 1984). The killing of an unborn child after viability is involuntary manslaughter. *Commonwealth v. Lawrence*, 536 N.E.2d 571 (Mass. 1989).

Michigan—The killing of an "unborn quick child" is manslaughter. *Mich. Stat. Ann. §28.554* (Callaghan 1990). The Supreme Court of Michigan has interpreted this statute to apply to only those unborn children who are viable. *Larkin v. Cahalan*, 208 N.W.2d 176 (Mich. 1973). (A separate Michigan law, effective Jan. 1, 1999, provides felony penalties for actions that intentionally, or in wanton or willful disregard for consequences, cause a "miscarriage or stillbirth," or cause physical injury to an "embryo or fetus.")

Mississippi—The killing of an "unborn quick child" is manslaughter. *Miss. Code Ann. §97-3-37* (1994).

Nevada—The killing of an "unborn quick child" is manslaughter. *Nev. Rev. Stat. §200.210* (1997).

Oklahoma—The killing of an "unborn quick child" is manslaughter. *Okla. Stat. Ann. tit. 21, §713* (West 1983). The killing of an unborn child after viability is homicide. *Hughes v. State*, 868 P.2d 730 (Okla. Crim. App. 1994).

Rhode Island—The killing of an "unborn quick child" is manslaughter. The statute defines "quick child" to mean a viable child. *R.I. Gen. Laws §11-23-5* (1994).

South Carolina—The killing of an unborn child after viability is homicide. *State v. Horne*, 319 S.E.2d 703 (S.C. 1984); *State v. Ard*, 505 S.E.2d 328 (S.C. 1998).

Tennessee—The killing of an unborn child after viability is first-degree murder, second-degree murder, voluntary manslaughter, vehicular homicide, and reckless homicide. *Tenn. Code Ann. §39-13-201, 39-13-202, 39-13-210, 39-13-211, 39-13-213, 39-13-214, 39-13-215* (1997 & Supp. 1998).

Washington—The killing of an "unborn quick child" is manslaughter. *Wash. Rev. Code Ann. §9A.32.060(1)(b)* (West Supp. 1999).

STATES WITHOUT UNBORN VICTIMS LAWS, WHICH INSTEAD CRIMINALIZE CERTAIN CONDUCT THAT "TERMINATES A HUMAN PREGNANCY" OR THAT CAUSES A MISCARRIAGE (7)

Note: These laws are gravely deficient, because they do not recognize unborn children as victims, nor allow justice to be done on their behalf. These laws are included here for informational purposes.

Indiana—An individual who knowingly or intentionally "terminates a human pregnancy" commits feticide. *Ind. Code Ann. §35-42-1-6* (Burns 1994 & Supp. 1998).

Iowa—An individual who intentionally "terminates a human pregnancy" without the consent of the pregnant woman commits a felony. This law also sets forth other crimes involving the termination of a human pregnancy, such as during the commission of a forcible felony. *Iowa Code Ann. §707.8* (West Supp. 1999).

Kansas—Injury to a pregnant woman during the commission of a felony or misdemeanor which causes a miscarriage results